

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



In re application of: **Birgit NEUDECKER et al.**  
Serial No.: 10/822,074  
Filed: 04/09/2004  
For: **METHOD AND PREPARATION CONTAINING IDEBENONE FOR PROTECTING HUMAN SKIN**

Sir:

Transmitted herewith is a **Supplemental Information Disclosure Statement (2 pages)** with PTO-1449 (1 page) in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

| (Col. 1)                                  |            | (Col. 2)   |         | SMALL ENTITY |        | OR | LARGE ENTITY |        |
|---|------------|------------|---------|--------------|--------|----|--------------|--------|
| FOR:                                      | REMAINING  | HIGHEST    |         | RATE         | FEE    |    | RATE         | FEE    |
|   | AFTER      | PREVIOUSLY | PRESENT |              |        |    |              |        |
|   | AMENDMENT  | PAID FOR   | EXTRA   |              |        |    |              |        |
| TOTAL CLAIMS                              | * Minus 20 | =          | 0       | x \$ 91      | \$     |    | x \$ 181     | \$     |
| INDEP. CLAIMS                             | * Minus 3  | =          | 0       | x \$ 431     | \$     |    | x \$ 861     | \$     |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |            |            |         | +            | \$1451 |    | +            | \$2901 |
|   |            |            |         | TOTAL:       | \$     |    | TOTAL:       | \$     |

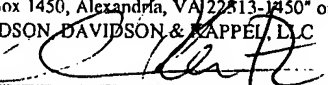
- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136  
☒ Other: Copies of cited references
- ☐ Check(s) in the amount of \$/s are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☐ Other:
- ☐ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☐ Any patent application processing fees under 37 C.F.R. 1.17.
- ☐ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 3/24/05.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Oliver Platz



5006.1001CON

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Birgit NEUDECKER et al.  
Serial No.: 10/822,074 Confirmation No.: 2100  
Filed: 04/09/2004  
For: METHOD AND PREPARATION CONTAINING  
IDEBENONE FOR PROTECTING HUMAN SKIN  
Examiner: (Not yet known)  
Art Unit: 1616  
Customer No.: 23280

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 24, 2005

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application. While the references are being submitted herewith, some or all of the references may not constitute prior art under the U.S. patent laws.

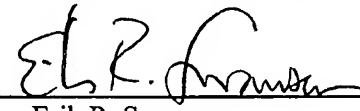
The reference cited on the accompanying PTO-1449 Form has been previously cited as an abstract in an Information Disclosure Statement on the present application.

5006.1001CON

This Information Disclosure Statement is filed under 37 C.F.R. §1.97 (b), before the mailing date of a First Office Action, therefore no fee is believed due. In the event any additional fee is due in connection with this response or if any fee has been overpaid, the deficiency or overpayment should be charged to our Deposit Account No. 50-0552.

It is respectfully requested that the references cited in the accompanying PTO-1449 form be considered and made of record. It is respectfully submitted that the pending claims are patentable over all of the references made of record at this time.

Respectfully Submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
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FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

5006.1001CON

APPLICATION NO

10/822,074

## LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT

Birgit NEUDECKER et al.

FILING DATE

04/09/2004

GROUP

1616

## U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL |     | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-<br>CLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|---------------|-------------------------------|
|                      | A01 |                 |      |      |       |               |                               |
|                      | A02 |                 |      |      |       |               |                               |
|                      | A03 |                 |      |      |       |               |                               |
|                      | A04 |                 |      |      |       |               |                               |
|                      | A05 |                 |      |      |       |               |                               |
|                      | A06 |                 |      |      |       |               |                               |
|                      | A07 |                 |      |      |       |               |                               |
|                      | A08 |                 |      |      |       |               |                               |
|                      | A09 |                 |      |      |       |               |                               |
|                      | A10 |                 |      |      |       |               |                               |
|                      | A11 |                 |      |      |       |               |                               |

## FOREIGN PATENT DOCUMENTS

|  |     | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-<br>CLASS | TRANSLATION |    |
|--|-----|-----------------|------|---------|-------|---------------|-------------|----|
|  |     |                 |      |         |       |               | YES         | NO |
|  | A12 |                 |      |         |       |               |             |    |
|  | A13 |                 |      |         |       |               |             |    |
|  | A14 |                 |      |         |       |               |             |    |
|  | A15 |                 |      |         |       |               |             |    |
|  | A16 |                 |      |         |       |               |             |    |
|  | A17 |                 |      |         |       |               |             |    |
|  | A18 |                 |      |         |       |               |             |    |
|  | A19 |                 |      |         |       |               |             |    |

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

|     |  |
|-----|--|
| A20 | Wieland, Eberhard et al., "Idebenone protects hepatic microsomes against oxygen radical-mediated damage in organ preservation solutions", Transplantation, Vol. 60, No. 5, September 15, 1995, pp. 444-451 |
| A21 |  |
| A22 |  |
| A23 |  |

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.